

A regular meeting of the Board of Selectmen was held on Thursday, January 21, 2010, at 7:00 p.m., in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Michael L. Butler
Sarah E. MacDonald
James A. MacDonald
Carmen Dellolacono
Paul Reynolds

Mr. Butler called the meeting to order at 7:05 p.m.

OPEN DISCUSSION

Joe Dineen, District 3 Chariman, thanked the Dedham voters relative to voting for Articles 1 & 2. Mr. Dineen thanked the Board of Selectmen and all of the sign holders who volunteered.

REQUEST FOR CHANGE OF MANAGER – NATIONAL AMUSEMENTS, INC., d/b/a SHOWCASE CINEMAS DE LUX @ LEGACY PLACE & STUDIO RESTAURANT AND BAR, 670 LEGACY PLACE, DEDHAM, MASSACHUSETTS, KIM HOLLAND, MGR.

Representing National Amusements, Inc., were: Attorney Peter Zahka, 12 School Street, Dedham, Massachusetts, Kim Holland, Showcase Cinema Mgr., Joseph Norman, Showcase Cinema Mgr., and Tony Pungitore, National Amusement Mgmt.

Attorney Zahka informed the Board that Ms. Holland also has liquor experience at the Randolph Showcase Cinema De Lux. Additionally, Ms. Holland has reviewed the Rules and Regulations for Holders of Liquor Licenses in Dedham, Ms. Holland is TIPS Certified as a Server and a TIPS Trainer.

Mr. Dellolacono asked Ms. Holland how many hours she plans to be working per week at the Dedham Cinema De Lux. Ms. Holland informed him that she will be working more than 45 hours per week.

Mr. Dellolacono asked Ms. Holland if her name is on any other Liquor License in the State of Massachusetts. Ms. Holland replied, no.

Mr. Butler asked Nancy Baker, Asst. Town Administrator if Ms. Holland's CORI was back. Ms. Baker informed him that the CORI was slow coming back—she does not have it as yet.

Mr. MacDonald made a motion to approve Kim Holland Manager of Record for the Dedham Showcase Cinema De Lux subject to a clean CORI check; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

VIOLATION HEARING – K H & H LIQUORS, INC., 400 COMMERCIAL CIRCLE, DEDHAM, MASSACHUSETTS

For the record, Mr. Butler read the following letter sent to Mary Lappin Conley, Manager of Record, K H & H Liquors, Inc., dated December 28, 2009.

Dear Ms. Lappin Conley: Please be advised that the Board of Selectmen, sitting as Licensing Authority for the Town of Dedham, will hold a Public Hearing on Thursday, January 7, 2010, (date changed to January 21, 2010), at 7:10 p.m. in the Francis O'Brien Meeting Room of the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Under the authority of the Massachusetts General Laws, Chapter 138, Section 64, the Board of Selectmen will consider whether a violation of Sections 15 and 16 of the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham did occur as a result of K H & H Liquors, Inc., selling alcoholic beverages in an unauthorized area of the licensed premises on or about November 30, 2009.

You are further advised that, in accordance with Massachusetts General Laws, Chapter 138, Section 64, the Selectmen, as the Licensing Authority, may, after hearing, modify, suspend, revoke, or cancel your license to sell alcoholic beverages. You have the right to be represented by counsel at this hearing, and to call and examine witnesses.

Representing K H & H Liquors, Inc., were: Attorney Kevin Hampe, 411 Washington Street, Dedham, Massachusetts, Karen and Ron Herrmann, K H & H Principals, Mary Lappin Conley, Mgr. of Record.

Also present was: Sgt. Michael Buckley, Alcohol Officer, Dedham Police Department.
Nancy Baker, Asst. Town Administrator, swore in Sgt. Michael Buckley as a witness.

Mr. Butler asked the License Holder through their attorney, Kevin Hampe, if they accept the Police Report as written in the record. Attorney did not have the Police Report. He asked that the report be read into the record.

As requested by Attorney Hampe, Sgt. Michael Buckley read the following Police Report dated December 3, 2009, into the record:

On Thursday, December 3, 2009, I received a phone call from Marie Rizzo of the Selectmen's Office. Marie said that she had a request from Selectmen James MacDonald to check K H & H Liquor attached to Costco. Marie states that K H & H had requested and were granted permission by the Selectmen to change their physical location at Costco; however, K H & H needs to be approved by the ABCC and had not been approved as yet.

When I arrived, I saw that K H & H Liquor had, in fact, moved into their new physical location located in a new bump out building attached to Costco and were conducting business at this location. I spoke with Selectmen James MacDonald and reported this information back to him. I was instructed to notify K H & H that they were not allowed to occupy their new location without permission from the ABCC and that they should not open their store in this location Friday without permission from the ABCC.

I notified K H & H Manager, Mary Connolly, by telephone of this and informed her that she could, however, reopen at her old location within Costco as described in her Liquor License.

Attorney Hampe informed the Board that ABCC Investigator Dennis Keefe came to the K H & H Liquor establishment on November 30, 2009 for the inspection of the new location. Attorney Hampe went on to say that Investigator Keefe mentioned that presently there was a backlog of paperwork at the ABCC. He would submit a report to his supervisor—and K H & H paperwork will be issued within the next five days. Attorney Hampe commented that Mr. Keefe stated to Ms. Conley that she could continue to sell products.

Attorney Hampe asked the Board to take into consideration that K H & H was closed for business all day on Friday, December 4, 2009, and that this was a substantial loss. Attorney Hampe commented that K H & H now knows that they cannot sell in the new space until the location is also approved by the ABCC. It was Attorney Hampe's hope that if the Board did find K H & H in violation, that it be considered technical-- he pointed out that his clients have paid substantially from being closed for business one entire day.

Mr. MacDonald advised him that his clients do need an approved Form 43 from the Board of Selectmen and the ABCC—approval at a Public Meeting from the Board of Selectmen is not sufficient. Mr. MacDonald asked what day K H & H Liquors actually moved to the new location and opened for business. Attorney Hampe responded—November 14, 2009.

Ms. MacDonald asked why the ABCC Investigator was at the K H & H Store. Attorney Hampe informed her that it is a requirement that the ABCC approve the location. He went on to say that the investigator was surprised that the store was open for business.

Mr. Dellolacono commented on Question #16 and the fact that it was an addition to the building and not an extension overhang. Mr. Dellolacono thought the new area was a great location; however, he was pleased that the Board was on top of this issue. Attorney Hampe informed the Board that the matter before them was not intentional—Ms. Conley thought that the new location was fully approved and that she could open in the new location.

Mr. Reynolds commented that the Board of Selectmen take licensing very seriously and that their responsibility is to make sure the operation is professional and that all know the rules and regulations. Mr. Reynolds asked Ms. Conley why there was an issue to move. Attorney Hampe informed him that there was a rush to move on the part of Costco from the old location to the new location. Additionally, the Liquor License description was listed at the old Costco location and not the new location. Attorney Hampe went on to say that it was a technical paperwork violation.

Mr. Reynolds commented that whoever is holding the Liquor License is important to the Board and that this matter was a judgment call. Mr. Reynolds went on to say that he appreciated the fact that K H & H Liquors took this matter seriously.

Mr. MacDonald commented that K H & H Liquors was at a rush to move. He thought the corporation missed an opportunity in May and questioned why they waited five months to submit their request to the Board of Selectmen. Mr. MacDonald felt that K H & H knew what was happening with the new location. The ZBA did not come to the Board; however, K H & H should have come to the Selectmen first. Mr. MacDonald was disappointed that K H & H waited so long. Attorney Hampe commented that if they filed early, it would not have been issued. He went on to say that K H & H did not intentionally violate the law. Attorney Hampe once again added that his clients were closed for business for one full day. He asked the Board to take this financial loss into consideration.

Mr. Butler asked Attorney Hampe if he believed K H & H Liquors, Inc., had a fair hearing. Attorney Hampe responded, yes.

Mr. MacDonald made a motion to close the Violation Hearing; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. MacDonald made a motion finding K H & H Liquors in violation of Sections 15 and 16 of the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. MacDonald made a motion to issue a written warning to K H & H Liquors, Inc.; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

At the conclusion of the vote, Attorney Hampe thanked the Board of Selectmen.

DISCUSSION & VOTE ON POLICY DIRECTIVES #6 THRU #10

Prior to the vote, Ms. MacDonald gave an overview to all relative to Policy Directives #6-#10

Policy Directive #6 – Spelling Correction in (5.) “or to of”. Mr. MacDonald made a motion to adopt Policy Directive #6; seconded by Mr. Reynolds and voted unanimously.

Policy Directive #7—Policy reviewed, no changes to content. Mr. MacDonald made a motion to affirm Policy Directive #7; seconded by Mr. Dellolacono for discussion.

Mr. Dellolacono asked Mr. Keegan if the Hearing Officer will come back to the Board of Selectmen. Mr. Keegan responded, yes. The Hearing Officer will come back to the Board.

Vote: The Board of Selectmen voted unanimously for Policy Directive #7.

Policy Directive #8—Policy reviewed, no changes to content. Mr. MacDonald made a motion to affirm Policy Directive #8; seconded by Mr. Dellolacono and voted unanimously.

Policy Directive #9—Delete “in writing” in (3.), no other content change. Mr. MacDonald made a motion to adopt Policy Directive #9; seconded by Mr. Dellolacono and voted unanimously.

Policy Directive #10—Recommended policy be rescinded. Mr. Dellolacono made a motion to adopt Policy Directive #10; seconded by Mr. MacDonald for discussion.

Mr. MacDonald commented that he spoke with Town Counsel and asked for a review of this matter. Mr. MacDonald asked that the vote on Policy Directive #10 be held over until the February 4, 2010, Selectmen’s Meeting. Mr. Dellolacono withdrew his motion, Mr. MacDonald withdrew his second.

DISCUSSION RE: FINANCIAL POLICIES

Present for the discussion were: Mariellen Murphy, Finance Director, Robin Reyes, Deputy Finance Director, David Martin, Chairman, Finance Committee, Dave Roberts, Chairman, School Committee.

Ms. Murphy and Mr. Reyes discussed the reasons why the Town has Financial Policies. Ms. Murphy informed all that it has been a long-standard practice for the Town of Dedham to have Financial Policies—Dedham is one of the first Towns to do this. Ms. Murphy went on to say that presently, the policies are quite old.

Ms. Murphy informed all that the Town has the following policies in place—Debt Policy, Budget Policy and Investment Policy. Since adoption, Dedham follows a best practice approach for government and a Long-Range Plan—this gives the Town an opportunity to take its Financial Policies, look at the National Model and then meld the two. Ms. Murphy stated, “They do their due diligence.”

William Keegan, Town Administrator, informed all that both he and Mr. Martin attended the Annual Meeting of the Financial Committee Association in Franklin, Massachusetts, a few months ago. Mr. Keegan commented that it was well received. Additionally, the Town of Dedham is being used as a model for other communities. Mr. Keegan informed all that the Town of Dedham is considered a model community.

Mr. Martin informed all that the session and meeting was excellent. He went on to say that it was clear that many towns do not have Financial Policies; however, some towns do have some good policies. Mr. Martin suggested that the Town of Dedham do a survey of other towns to see what they are doing better.

Mr. Reynolds was pleased with the policies—he commented that the Town Financial Policies are written very well and they set a standard. Mr. Reynolds also asked the Financial Team to take a look at policies from other towns to see if Dedham could set an even better standard going forward.

Mr. Butler asked that the Financial Working Group work with Ms. Murphy and Mr. Reyes over the year. Mr. Martin thought that the group should stay on task so that they could come back to the Board of Selectmen next year. Ms. MacDonald thought that a few members of each Board should be chosen to participate in the Financial Working Group.

Mr. MacDonald thought that the percentage of debt should be a reasonable number—he asked if there should be an index relative to ongoing revenue/expense. Mr. MacDonald felt there should be a discussion now rather than later. Mr. MacDonald suggested affirming sections before the Budget Season—he thought that the focus should be on aspects of debt. Mr. MacDonald commented that the present documents were old and needed to be tweaked going forward.

Mr. Butler spoke relative to a policy relative to on-going operating cost affirmation and a policy relative to debt. Additionally, Mr. Butler asked the Finance Committee and School Committee to get back to the Board as soon as possible with a few people chosen to serve on the Working Group. Mr. Roberts replied that he would get out communication now explaining why steps have to be taken. Mr. Roberts felt that this was an important time for this group to happen—he will bring information back to his committee.

Robin Reyes, Deputy Finance Director, informed all that there should be a three-tiered approach, i.e.:

1. Policies—Rules to live by;
2. Goals—Need to come to an agreement;
3. Procedures—A blend of policies and procedures.

Mr. Reyes went on to say that one goal should be obtaining a AAA Rating—he thought that some policies could be shaken up to meet this goal. Additionally, he informed all that Standard and Poor has stated that the reserves would need to up further to increase the rating. Mr. Reyes commented that the Town is conservative relative to its budget and investing; however, goals need to be set going forward. Mr. Reyes went on to say that the total reserves are counted-- it shows that the Town has a plan for the future and contingencies.

Mr. Butler thanked Mr. Martin and Mr. Roberts for attending the Selectmen's Meeting this evening.

DISCUSSION RE; PROPOSED PAYMENT MANAGEMENT PLAN, INCLUDING IMPROVEMENTS TO TOWN HALL PARKING LOT & COLBURN STREET

Present for the discussion were: Joe Flanagan, DPW Director, and David Field, Director of Engineering.

Mr. Butler asked Mr. Field and Mr. Flanagan to give the Board an update relative to Pavement Management.

Mr. Field informed the Board that the Town is entering into its fourth year of Pavement Management. As a continuation of last years' plan they have made some adjustments to the existing plan and prepared new recommendations for FY2013 (A list is on file in the Administrator's Office). Mr. Field informed the Board that most of the adjustments are minor and are a result of the recent pavement resurvey completed in August, 2009. As a result of the resurvey, Engineering has also included in FY2011 the roads from FY2010 which are not completed—some other adjacent roads are being adjusted for timing purposes to group construction. FY2011 – FY2013 funding scenarios are based on the assumption of a continued local funding level of \$1.5 million per year and utilizing \$500,000 per year from Chapter 90 State Funds. FY2011 also includes an additional \$1 million of unused funds from a combination of roads which were not yet completed—savings is due to lower than anticipated bid prices. Recommended improvements proposed are associated with asphalt pavement only. Sidewalks, curbing, drainage, and other geometric changes are not included; however, if they find improvements are necessary or desirable, Engineering will work to incorporate items within available budget. As of December 31, 2009—overall (PCI) was 76, significantly up from initial (PCI) of 70 three years ago. If the current proposed improvements go forward, it is anticipated that the improved roadway (PCI) will be 80 by FY13.

Ms. MacDonald asked Mr. Field to explain the Resurvey Process. Mr. Field explained that that system was created to survey every road in the Town, rate it on major deficiencies and then come up with an index relative to volume of traffic and type of road. Mr. Field informed all that a resurvey is performed every 4-5 years. Mr. Field added that Dedham is in its fourth year; and relative to this survey, Dedham came within projects. Ms. MacDonald commented that she was very impressed with the system.

Mr. Dellolacono asked Mr. Field if the road names were updated. Mr. Field informed him that they are corrected in the system. Mr. Dellolacono asked if there was a Preventive Maintenance Process in place relative to the application of surface material. Mr. Field replied that they have not come up with a recommendation.

Mr. Butler asked if the Utility Companies were cooperating. Mr. Flanagan replied that things were going well with the utilities. Mr. Field added that things are going well with the Dedham-Westwood Water

Company—they share a list with other utilities. Mr. Field informed Mr. Butler that there is now a better working relationship with the utility workers; however, this is not the case with long-term projects.

Mr. Butler asked how much of the \$2 million dollars is materials. Mr. Field informed him that all \$2 million dollars is construction costs and some Police Details. Mr. Butler asked if construction will commence in the Spring. Mr. Field commented that the roads have been inspected, surveyed and filings have been submitted to the Conservation Commission. Mr. Field went on to say that they will get going, weather permitting, sometime in May. William Keegan, Town Administrator, informed the Board that timing is an important consideration for their approval. Mr. Butler suggested the Board's Meeting on February 4, 2010.

Relative to the Town Hall Parking Lot—Mr. Keegan informed the Board that the Parking Lot was re-surfaced four years ago. Suggestion is a plan going forward to treat the surface and restripe the Parking Lot. Mr. Field commented that the plans will allow the lot to gain spaces reconfiguring the striping. Relative to this matter, Mr. Field asked for the Board's guidance going forward.

Mr. MacDonald reminded all that when the Town Hall Parking Lot was redone four years ago, the lot lost some landscaping and a tree was taken down. Mr. MacDonald suggested more landscaping incorporated back into the plan.

Relative to Colburn Street—Mr. Butler informed all that there was a meeting with the neighbors and five solid ideas were discussed. Ms. MacDonald commented that at the last meeting, a resident of Colburn Street brought in pictures taken during snow removal operations—she felt that some options were logistically not feasible due to the width of the street. Mr. Field informed her that snow does not factor into the planning process—this was a temporary situation and one must deal with it at that time. Mr. Field added that there are many narrow streets in the Town. Additionally, each option has different impacts to consider. Mr. Field went on to say that snow removal will narrow the street on matter what due to the vehicles parked on the street—there are other streets in Town that have just as much narrowing due to the snow.

Mr. Dellolacono asked if Colburn Street could be made wider. Mr. Field informed him that it could be wider if vehicles were parked in the sidewalk areas. Mr. Butler commented that his preference is that the sidewalk be placed on the river side—he had some questions relative to the grassy area.

Dan Hart, resident Harvard Street, asked if the green area could be expanded. Additionally, he asked when the construction will commence and end. Mr. Hart informed all that the Mother Brook Group cleared the green area last year and asked what improvements might be feasible for this area. Mr. Hart went on to say that the Mother Brook Group is applying for a grant relative to this target area. Relative to the timeframe, Mr. Field informed all that the Design Plan will be ready in one month and will be submitted to the Conservation Commission. Depending on the approval from the Conservation Commission, construction will commence some time this season.

Relative to Rustcraft Road—Mr. Dellolacono brought up Rustcraft Road Sidewalks. He informed Mr. Field that there is nothing for pedestrians to walk on, travelling the road is dangerous and there is very poor lighting. Mr. Dellolacono commented that something needs to be done to both ends of Rustcraft Road. Mr. Keegan informed Mr. Dellolacono that the Conservation Commission stopped the construction of sidewalks and it is a conservation issue. Mr. Dellolacono asked Mr. Keegan, Mr. Flanagan and Mr. Field if they could look into this matter going forward. He asked them to speak with

the Conservation Commission relative to his concerns. Mr. Flanagan informed Mr. Dellolacono that he has placed sidewalks for this road on Capital for this year.

Intersection Elm Street and Route 1—Ms. MacDonald had concerns with the Traffic Lights at the intersection of Elm Street and Route 1, i.e., sign to take a right. Mr. Field informed her that he has asked Mass Highway to look into this situation.

TOWN ADMINISTRATOR'S REPORT

William Keegan, Town Administrator, gave the Board the following updates:

- Mr. Keegan informed the Board that he is working on the budget;
- Mr. Keegan informed the Board that the Town is reaching out to local Haitian community in an effort to offer aid to the victims of the Haitian Earthquake. He informed the Board that he is working with Pastor Emmanuel Joseph, Adrienne Albani and Karen O'Connell.

Mr. Keegan informed all that a Bank Account will be been set up at the Needham Bank to collect donations. A Clothing Drive has been set up to collect items for Haiti. In the near future, Pastor Joseph will lead a Task Force from his church to Haiti to distribute the donations collected.

Mr. Keegan informed all that there will be a meeting on Wednesday, January 27, 2010, with Pastor Joseph to decide plans and steps to take going forward.

- Mr. Keegan invited all Town Hall Employees to an American Red Cross Blood Drive Event to take place at the Rustcraft Road Facility on January 27, 2010.
- Mr. Keegan informed the Board that both he and Ms. Baker will be attending the Annual MMA Meeting in Boston this weekend. He went on to say that Governor Patrick will be the Guest Speaker. Mr. Keegan informed all that at the Saturday Dinner Event, the Town of Dedham will receive the Kenneth Pickard Award for Government-- Mr. MacDonald will receive the award on behalf of the Town.

VOTE TO CLOSE WARRANT 2010 ANNUAL TOWN MEETING

Mrs. Baker recommended that the Board of Selectmen close the warrant February 5, 2010. Mr. MacDonald made a motion to close the warrant February 5, 2010; seconded by Ms. MacDonald.

On the Vote: Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Action by the Board:

Dedham-Westwood Water Appointment: The Board of Selectmen did not take a vote--postponed this appointment until their February 4, 2010, meeting.

Zoning Board of Appeal's Appointment: Relative to the appointment, the Board of Selectmen did not take a vote this evening. Mrs. Baker will re-post vacancy.

Approval of Selectmen's Meeting Minutes September 15, 2009—Ms. MacDonald made a motion to approve the Meeting Minutes of September 15, 2009; seconded by Mr. MacDonald and voted unanimously.

Approval of Drainlayer's Licenses: On the recommendation of the David Field, Director of Engineering, Mr. MacDonald made a motion to approve the following Drainlayers' Licenses: CEI Boston, LLC, Joseph DeFlippo & Company, Inc., Murphy General Contracting, Inc., R.J. Cincotta Co., Inc., Roto-Rooter, T. J. Bloom & Son, Inc., A. DiMartino Construction, Inc.; seconded by Ms. MacDonald and voted unanimously.

OLD/NEW BUSINESS

Mr. Dellolacono wished his son, Carmen, Happy 17th Birthday.

Mr. Dellolacono asked if the Senior Work-Off Program was at the current State Rate work off. Mr. Keegan informed him that he believed the Town was in compliance.

Mr. Dellolacono informed all that the Dedham Food Pantry has a new home at the back side of the Dedham Plaza, Washington Street.

Ms. MacDonald thanked Town Clerk, Paul Munchbach, and staff for their outstanding efforts running the Dual Election. Ms. MacDonald commented that the election ran very smoothly and she was very proud -- everyone involved did a great job.

Ms. MacDonald acknowledged Matt Paterson and girls for their donation to the Dedham Food Pantry.

Ms. MacDonald informed the Town Administrator's Office that Fresh Ideas e-mails were not working and needed to be repaired. Ms. Baker replied that she will notify the I.T. Department in the morning.

Ms. Baker informed all that the Dedham Square Streetscape Meeting will be held on February 2, 2010.

Ms. MacDonald made a motion to enter into Executive Session pursuant to Chapter 39, Section 23B relative to Collective Bargaining and Disposition of Real Estate; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

The meeting did not reconvene in open session.

Mr. Macdonald made a motion to adjourn the meeting; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

The meeting adjourned at 9:45 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting held on January 21, 2010, which Minutes were approved on June 17, 2010.

Michael L. Butler, Chairman

